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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 May 1993, at 10 a.m.

Chairperson: Mr. ALVAREZ VITA

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GE.93-16600 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS (agenda item 5):

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Islamic Republic of Iran (E/1990/5/Add.9, E/CN.4/1993/41 and Add.1) (continued)

1. The CHAIRPERSON invited the delegation of the Islamic Republic of Iran to reply to questions asked by Committee members at the previous meeting.

2. Mr. NASSERI (Islamic Republic of Iran) said that many questions had been asked and that he had only a limited amount of time in which to reply. He invited members of the Committee to interrupt him if need be, if they did not consider his replies to be sufficiently precise.

3. The general comments made by Mr. Simma and Mr. Alvarez Vita to the effect that the Iranian authorities were committing massive violations of human rights and that there was a worldwide consensus on that subject had no place in the Committee's work. The Committee had a primarily legal and not a political task and it was its duty to be precise in its work. Moreover, although it was true that the Islamic Republic of Iran was accused of massive human rights violations by a number of countries which had been wielding some measure of political hegemony since the end of the cold war, it was not accurate to speak of a worldwide consensus, since some States did not agree with those accusations and others had no opinion on the matter.

4. The CHAIRPERSON reminded the representative of the Islamic Republic of Iran that the members sat on the Committee in their capacity as independent experts, that they were not answerable to any State and that they assumed personal responsibility for the opinions expressed. Furthermore, the questions asked were precise and related to specific violations of particular human rights. It would be desirable for the reply given by the Iranian delegation to be just as precise and specific.

5. Mr. NASSERI (Islamic Republic of Iran) pointed out that, in addition to specific questions, general observations had been made to which he felt compelled to reply. He subscribed to Mr. Simma's assertion that the rights of Iranians had been violated over the previous 14 years; their right to life, in particular, had been subjected to massive violations committed by foreigners, but the latter were not prepared to accept responsibility for them. The fact was that the Islamic Republic of Iran had undergone a war initiated by an aggressor, and the latter had been supported by those very States that accused his country of human rights violations. Those States had, in particular, supplied weapons to that aggressor, including chemical weapons, as had recently been proved by inspections carried out in Iraq under United Nations auspices.

6. Mr. GRISSA, speaking on a point of order, pointed out to the representative of the Islamic Republic of Iran that the Committee was not competent to judge an act of foreign aggression of which that country might

have been a victim, but to assess the manner in which it complied with its obligations under the International Covenant on Economic, Social and Cultural Rights. Moreover, the fact that the Islamic Republic of Iran might have been subjected to an act of aggression did not entitle it to violate the rights of individuals or of minorities.

7. Mr. NASSERI (Islamic Republic of Iran) said that he had felt bound to respond as he had since certain comments of a general and political nature made by members of the Committee exceeded its mandate. That being said, he requested Mr. Simma to do what he could to ensure that victims of chemical-weapon bombardments could appeal to Germany, one of the States supplying arms.

8. Mrs. BONOAN-DANDAN, speaking on a point of order, reminded the Iranian representative once again that the members of the Committee served in their capacity as independent experts and that no reference could be made to their nationality during the discussions.

9. The CHAIRPERSON confirmed that as in other committees, there should be no allusion on any account to the nationality of the experts.

10. Mr. NASSERI (Islamic Republic of Iran) said that, in that case, he would ask Mr. Simma to do what he could, in any capacity, to help the victims of chemical-weapon bombardments to secure reparation from the States in question.

11. On the subject of the right to development, widely recognized internationally and falling more particularly within the scope of articles 6, 7, 11 and 15 of the International Covenant on Economic, Social and Cultural Rights, he pointed out that the developing countries had to contend with considerable economic difficulties which prevented them from making progress towards development.

12. Members of the Committee had referred repeatedly to the final report on the situation of human rights in the Islamic Republic of Iran prepared by Mr. Reynaldo Galindo Pohl, Special Representative of the Commission on Human Rights (E/CN.4/1993/41 and Add.1). Mr. Kouznetsov had said in that connection, for instance, that the Islamic Republic of Iran had contented itself with denying the allegations rather than providing any specific responses. That assertion was contrary to what Mr. Galindo Pohl had himself indicated in his report and to what he had said to the Commission on Human Rights. In that regard, it was important to stress that, after his first visit to the Islamic Republic of Iran, Mr. Galindo Pohl had observed that many allegations against that country had been exaggerated. He had then been accused of coming to an agreement with the Islamic Republic of Iran and of concealing alleged human rights violations. Naturally, the tone of the reports prepared by the Special Representative had subsequently changed.

13. Mr. WIMER ZAMBRANO said that he, for his part, had referred to document E/CN.4/1993/41/Add.1, which had not been produced by the Special Representative but by the Islamic Republic of Iran. He therefore sought confirmation from the Iranian delegation that that document reflected the official position of the Iranian Government.

14. Mr. NASSERI (Islamic Republic of Iran) confirmed that document E/CN.4/1993/41/Add.1 indeed reflected the official position of the Islamic Republic of Iran.

15. On the subject of the Baha'i community, it was correct that the official position of the Islamic Republic of Iran was that Baha'is were not recognized as a minority. In that connection, Mr. Simma had referred to an alleged circular published by the Supreme Revolutionary Cultural Council on the subject of the Baha'is. Despite its investigations, the Iranian delegation had not found the slightest trace of any such circular.

16. Mr. SIMMA said that, for one thing, that circular was mentioned in paragraph 310 of the report by Mr. Galindo Pohl (E/CN.4/1993/41) and that, for another, he himself had a copy of the circular in Persian, together with its English translation. He added that the Iranian delegation was welcome to consult the document.

17. Mr. NASSERI (Islamic Republic of Iran) said that there were numerous cases of forgery and fabrication of documents by groups hostile to his country, some based in Baghdad. He would none the less study the document submitted by Mr. Simma. Regarding the allegation that the Baha'is were deprived of work, he said that the right to work was guaranteed by law to all Iranian citizens. Meanwhile, he considered that the Islamic Republic of Iran had the right to decide which groups of its population constituted minorities and could be granted minority status. The acquisition of minority status was not necessary, however, to be able to enjoy all the rights to which all citizens of the Islamic Republic of Iran were entitled by law. Such status merely granted an additional privilege to minorities, in particular with regard to participation in the country's political process. Although none of the minorities was numerically large enough to win seats in the elections in the normal way, minority status entitled them to an assured seat in Parliament.

18. He also confirmed that the official position of the Islamic Republic of Iran was that Baha'ism was not a religion. Mr. Kouznetsov had expressed the view that it was a conviction. If that was the case, he did not see what implications that might have for his country's responsibility under the Covenant; to date, there did not seem to be any such thing as a minority based on convictions. Finally, he reaffirmed that the arrest of Mr. Eshragai had no connection with the Baha'i faith he professed.

19. He sought clarification on the question asked by Mr. Alvarez Vita concerning freedom of teaching for the majority and for minorities.

20. The CHAIRPERSON said that what he wished to know was how freedom of education was guaranteed in the Islamic Republic of Iran, whether that freedom was absolute and whether it also concerned minorities. No one in the United Nations was unaware of what minorities were; in the case of the Islamic Republic of Iran, the question concerned more specifically the Baha'i and Christian communities and the way in which they could enjoy freedom of education.

21. Mr. NASSERI (Islamic Republic of Iran) said that the right of everyone to education was guaranteed by law in his country.

22. The CHAIRPERSON said that he would like a specific reply, and not a general one, to his specific question. It was not a matter of the Committee accusing the Islamic Republic of Iran, but of dispelling any possible doubts about the implementation of the Covenant in that country.

23. Mrs. JIMENEZ BUTRAGUEÑO said she felt it was not very important to know whether, in the view of the Islamic Republic of Iran, the Baha'i community represented a sect, a religion or a belief. What was important was whether the Baha'is genuinely enjoyed the same rights as other citizens and whether they were not regarded as second-class citizens.

24. Mr. NASSERI (Islamic Republic of Iran) replied that all citizens were equally protected by the law and that he would come back later to certain questions relating more specifically to women.

25. As to the Baha'is, they were not victims of any discriminatory measures on the part of the administration, even if an occasional unfortunate case might have been reported here or there. He knew that he could not convince the Committee overnight because the latter had been predisposed in favour of the Baha'is for 14 years, but he would gradually try to enlighten it on the situation as it was in the country. He would begin by replying to the question by Mr. Wimer Zambrano on the historical context. Basing himself on the Baha'is' own books, he pointed out that Baha'ism had been founded in Iran by Ali Muhammad Shirazi who had taken the name of Bab (door), in other words he who opens the way to the awaited Imam. He had then declared himself to be the Imam himself, and then the Prophet. Finally, he had proclaimed: "Truly, I am certainly God ... There is no other God than me, I am unique ...". The positions of someone like David Koresh were very moderate in comparison to such a pronouncement. Ali Muhammad Shirazi had also decreed that as from a particular day (corresponding to 26 June 1844 in the Roman calendar), anyone disobeying him would be considered a pagan rebel and his blood might be shed. He had also decreed that only the Baha'is had the right to live in five of the main regions of Iran. That decree had in fact been followed by a bloodbath that had gone down in history. The fact that, at the time of the Shah, the Baha'is had occupied posts in the security forces, participating, for instance, in interrogations by Savak, was precisely because it had been known that they would act in accordance with their conviction that they could shed the blood of Muslims. The Baha'is themselves gave a somewhat different version of their founder and of events, and, because of the influence they now had in the power centres of powerful countries, it had become dangerous to refer to the background which he had just described.

26. He was convinced that no administration would allow such extreme positions to be authorized again. Moreover, the people continued to harbour some resentment against the murderers of many of their ancestors who had lived in the provinces coveted by the Baha'is. Whatever they might claim to the outside world, the Baha'is despised the Muslims who, for their part, were not very well disposed towards them either. The Government was taking the necessary measures to bring the situation gradually back to normal while preserving the rights of all citizens.

27. He was ready to reply to any specific question about a particular individual, either Baha'i or Muslim. He referred the Committee members to paragraph 251 of the 1990 report of Mr. Galindo Pohl (E/CN.4/1990/24), in which it was concluded that "the situation of the Bahai's is moving towards quite broad de facto tolerance".

28. He specified that that tolerance was not one-sided; he saw that as an indication that the Government, too, wished to bring the situation under control and viewed Mr. Galindo Pohl's conclusion as proof that those efforts had already borne fruit. Pointing out that the question of the Baha'is had been raised on many occasions, he wondered whether it was necessary to go back over all the details already given in view of the limited amount of time available to the Committee.

29. Replying to Mr. Rattray's question about relations between the Governmen and minorities, to Mr. Grissa's on certain specific rights of several minorities and to Mrs. Ider's about whether there were labour statistics with a breakdown by nationality, he said that the many ethnic groups in the Islamic Republic of Iran had lived together there for thousands of years and the total integration of those groups within an Iranian nation was not disputed. There was nothing to distinguish one from the other, except perhaps in regions in which a particular group might be larger than others.

30. Mr. SIMMA referred to the broader tolerance that was said to prevail between the Baha'is and the Muslims, commenting that according to the most recent report by Mr. Galindo Pohl (E/CN.4/1993/41), such tolerance was not particularly evident. For instance, it could be seen in paragraph 226 of the report that "For over 12 years Baha'is have been systematically denied access to institutions of higher education". The wording of that information was interesting in that Mr. Galindo Pohl had departed from the practice he had adopted for so many other items of information by not referring to that information as being reported, which meant that he regarded it as a certainty. Another interesting point was that there was nothing to be found on that subject in the many statements by the Iranian Government refuting the allegations made.

31. Mr. NASSERI (Islamic Republic of Iran) explained that, although everyone had the right to education, hundreds of thousands of applicants for higher education had no access to it because of the shortage of places and the consequent need to select applicants. The Government hoped to improve that regrettable state of affairs with the five-year plan.

32. Mr. GRISSA asked for a clear distinction to be drawn between selection because the university could not admit everyone, a kind of selection that existed everywhere, and selection on grounds of conviction. What the Committee wished to know was whether selection based on race, colour, language, income, etc., existed in the Islamic Republic of Iran.

33. Mr. NASSERI (Islamic Republic of Iran) said he did not expect that he on his own could ever satisfy all the experts on that subject since they referred to Mr. Galindo Pohl's report as though it were Gospel. All he could do was to repeat that every citizen had the right to education. Returning to the question of the breakdown of statistics by ethnic group, he said that there

was no distinction between Kurds, Arabs, etc., who all took part in the life of the nation on an equal footing. There were of course some groups that had complained of discrimination; they were Kurdish groups engaged in armed activities against the Islamic Republic of Iran and taking instructions from Iraq, or Marxist-Leninist groups. He invited the members of the Committee to visit his country so as to witness for themselves the total absence of any discrimination against minorities. For example, the Islamic Republic of Iran was the country with the largest number of refugees of different origins - over 3.5 million persons - but it had already become impossible to distinguish between an Iraqi or Afghan refugee, for example, and an Iranian citizen. All those persons could travel and use their own language without any restriction.

34. With regard to the question asked by Mr. Simma, in connection with the Salman Rushdie case, on the protection by law of creative freedom, he failed to see what was being asked of him and the connection between creative freedom and The Satanic Verses, but pointed out that Salman Rushdie had insulted a religion in a manner that was odious and recognized as inexcusable even by circles that were highly critical of the Islamic Republic of Iran. Did the creative freedom protected by the Covenant consist in insulting the faith of a billion people and resulting in over 150 deaths? Whatever the case might be, the Salman Rushdie affair had nothing to do with the internal law of the Islamic Republic of Iran and with its commitment to implement the Covenant; moreover, Mr. Rushdie did not even live in the country.

35. Mr. SIMMA sought confirmation that the action launched against Salman Rushdie had not been undertaken under Iranian law.

36. Mr. NASSERI (Islamic Republic of Iran) explained that it was a religious fatwa decreed according to criteria that had nothing to do with Iranian domestic law. On the subject of women, he specified that they could become magistrates, but conceded that it was not always easy to apply Islamic law without falling short of the commitments undertaken in acceding to the Covenant.

37. The Islamic Republic of Iran stood apart from other Muslim countries in that it was sincerely endeavouring to reconcile Islamic law and the provisions of the Covenant. Most of the other countries of Islam had not acceded to the Covenant and some not even to the Universal Declaration of Human Rights, precisely because of the divergences between Islamic law and the Covenants.

38. Mr. GRISSA reminded Mr. Nasseri that the Committee was not called upon to sit in judgement on countries which had not acceded to the Covenant but to make sure that those which had done so implemented it. He asked the representative of the Islamic Republic of Iran to give precise answers to the precise questions which had been put to him on that subject.

39. Mr. NASSERI (Islamic Republic of Iran) reiterated that, for religious reasons, many Islamic countries did not accede to international human rights instruments. The proof that there was a problem was that the countries of the Organization of the Islamic Conference were now seeking to draw up a declaration of Islamic rights. That need for something complementary had been expressed during the Cairo meeting of the Organization of the Islamic Conference. The decree on Salman Rushdie had been endorsed by all Islamic

countries. In particular, it had been confirmed in Riyadh, at the Conference of Foreign Ministers of the Organization of the Islamic Conference, then recently on the occasion of another ministerial meeting. Of course, the States parties to the Covenant must fulfil their obligations thereunder and Iran for its part was endeavouring to meet its commitments in that respect. However, it was also necessary to recognize that the Islamic countries had specific features which they had to address as best they could.

40. Thus, with regard to the access of women to the office of judge, a text had been submitted to the Government. For the time being, women could act as counsel in a civil court or as assistants to judges. It was to be hoped that when the legislative process was completed, they would be eligible for recruitment as magistrates.

41. Mr. SIMMA, returning to the Salman Rushdie case, noted that, according to the representative of the Islamic Republic of Iran, the religious decree condemning Salman Rushdie had been issued in a separate context and was in no way due to the Iranian Government. It therefore seemed to him that the Islamic Republic of Iran was making a technical presentation to the Committee on the application of the Covenant, while at the same time maintaining that on the cultural side there was another system with its own coordinates and terms of reference. The system was such that it authorized the sentencing to death of a person who had expressed certain ideas and the Government could do nothing about it. Thus, the picture presented by the Islamic Republic of Iran of its application of the Covenant was in fact incomplete since over and above the State there was another system with its own rules. The fact that the State abdicated its responsibility in favour of a higher system of rules presented a problem. The Committee was confronted by that problem in evaluating Iranian respect for the cultural rights contained in the Covenant.

42. Mr. MUTERAHEJURU also noted the fact that, according to the representative of the Islamic Republic of Iran, the fatwa was of a religious nature only and did not bind the Iranian Government. He would, however, like to have some clarification, in the light of information communicated to him by a non-governmental organization called the "League for the Defence of Human Rights in Iran". According to that NGO, "Under the Constitution of the Islamic Republic of Iran, fundamental rights can only be exercised strictly within the limits of Islamic rules as defined in the Constitution itself by the Supreme Guide. The latter takes precedence over all powers, judicial, executive and legislative, and can at any time issue a fatwa, which then takes on the force of a law applicable by the various State organs, or abrogate a law adopted by the Parliament which is judged to be contrary to Islamic principles". It therefore seemed that the fatwa did not only belong to the religious domain but also bound the Government.

43. Mr. NASSERI (Islamic Republic of Iran) explained that the fatwa was a religious decree which bound followers of the Islamic religion but that the Government did not act on the basis of a fatwa. It put forward its own laws for adoption according to parliamentary procedure. Naturally, since Iran was an Islamic Republic, the Government and the legislature took into account all parameters, including religious parameters, when they were drafting a law which would govern activities in the country. However, the Government was not bound by a fatwa. In the Salman Rushdie case, the Iranian Government was thus

doing nothing to act on the basis of that decree, the more so since Salman Rushdie was not an Iranian subject. In plain words, the Iranian authorities were not going to send commandos in pursuit of Salman Rushdie.

44. Mr. RATTRAY asked if a person who obeyed the fatwa and killed Salman Rushdie would be considered as breaking Iranian law and punished.

45. Mr. NASSERI (Islamic Republic of Iran) replied that that question was purely hypothetical since it was very unlikely that anyone would execute the fatwa in the Islamic Republic of Iran itself, and therefore he could not reply.

46. Mr. SIMMA commented that the question, however hypothetical, was not without interest. He would like to know whether the Islamic Republic of Iran considered itself competent to institute criminal proceedings against one of its nationals who had committed a crime abroad. Specifically, if an Iranian assassinated Salman Rushdie in a foreign country, would he be subject to Iranian criminal law or did Iran recognize only the principle of territoriality in that matter?

47. Mr. NASSERI (Islamic Republic of Iran) said he believed he was correct in stating, although he was not an expert in criminal law, that criminal jurisdiction in Iran was only territorial. The point nevertheless needed to be confirmed. Having said that, he was again surprised that Mr. Simma had linked Salman Rushdie's activity to creative freedom. Was it really possible to speak of creative freedom when 150 people had lost their lives? The Islamic Republic of Iran respected creative freedom, but in the case of Salman Rushdie it was a question of something quite different. However, the subject was a thorny one. It seemed difficult to resolve and it might perhaps be better to move on to another matter.

48. Mr. WIMER ZAMBRANO asked what were the general principles and limits of Islamic law, not only with regard to the legal and political aspects but also at the practical level, for, in practice, application of Islamic rules could lead to incidents. Thus, just two days earlier, the Iranian Minister for Foreign Affairs had been received by the Spanish Minister for Foreign Affairs and it had been stated in the press release that no woman had been present during the discussions because several years earlier there had been an incident. On the more recent occasion, the Spanish Minister for Foreign Affairs had decided to receive the Iranian delegation without any women present and without offering any alcoholic beverages. It would be interesting to know exactly what was the position of Iranian women in the country and at the international level.

49. Mrs. JIMENEZ BUTRAGUEÑO shared Mr. Wimer Zambrano's concerns about the place of women.

50. Mr. NASSERI (Islamic Republic of Iran) said there was nothing in the rules of protocol to prevent women from forming part of high-level political delegations. Moreover, the Iranian Government received in the normal manner heads of State or Government who were women. That had been the case with, for example, Mrs. Gandhi. As far as abstinence from alcohol was concerned, foreign countries sometimes respected that practice as a matter of courtesy.

51. Mr. WIMER ZAMBRANO said that, apart from anecdotal cases, he would like to know specifically if limits were imposed on women's activities and what criteria governed the public activity of women in the Islamic Republic of Iran.

52. Mr. NASSERI (Islamic Republic of Iran), welcoming the lively discussion between the members of the Committee and the Iranian delegation, indicated that he did not have statistics available but that in general there was no limit on women's participation in public life. With regard to education, for example, information could be found in his country's previous report to the Committee. There were many women engineers and university professors. The only domain which gave rise to some problems was that of the legal profession. It had already been stated that access by women to judicial office was currently being studied.

53. In reply to a question from Mrs. Bonoan-Dandan, he said that the Government was making efforts to promote women in the political and social arenas and that was particularly encouraged by President Rafsanjani. Participation of women at senior level in administration was also encouraged. He regretted that the Iranian delegation to the Committee did not include a woman. He hoped that that would be remedied when the time came for examination of future reports.

54. In reply to a further question by Mrs. Bonoan-Dandan, he said that the clothing worn by women reflected a dress code and he commented that every society had a social code in that respect with limits which could not be exceeded. The Islamic Republic of Iran followed Islamic principles with regard to dress.

55. The matter of temporary marriages was being reviewed in his country. That practice had been prescribed by the prophets then revived by some religious leaders, but opinion was divided. President Rafsanjani was personally in favour of that institution. In every society, the question of extra-marital relations was a delicate matter, but one had to be realistic. It had to be recognized that in a number of societies such relations were accepted even if they were sometimes subject to moral censure. It was also necessary to bear in mind the situation of young people who studied for a long time before marrying and to recognize that it was not perhaps a bad thing that they should be able to establish a legal union. Men should also be considered as responsible beings, who should discharge their responsibilities towards women.

56. Mr. GRISSA said that the reply which he had just heard made a mockery of Islam and underlined that a marriage of pleasure had nothing to do with temporary marriage. He emphasized that the majority of Islamic theologians disapproved of the practice of temporary marriage, which was in fact prohibited in many Muslim countries. Moreover, to use the practice of temporary marriage to accept any sexual relationship among young students, for example, was a distortion of Islamic law and morality. In the United States, for instance, legally one could be married in the morning and divorced the same evening, but that practice would be condemned by Islam. Neither did Islam accept that a man should have four wives. Islam demanded fairness.

57. Mrs. BONOAN-DANDAN asked Mr. Nasseri to kindly respect the spirit in which the questions had been asked. She would like to know how the Iranian Government could reconcile "temporary marriage" and the fact that women could be arrested and flogged for removing their veils. Without wishing to make a value judgement, she thought that that certainly constituted discrimination against women and asked Mr. Nasseri to clarify the point.

58. Mr. NASSERI (Islamic Republic of Iran) deplored the emotional nature of Mrs. Bonoan-Dandan's statement and explained that the practice of temporary marriage in his country was a very old one. He nevertheless recognized that opinions were divided on that institution. Personally, he saw no connection between temporary marriage and the fact of women taking off their veils. The dress code in force in the Islamic Republic of Iran differed from the code prevailing in other societies and the only real issue was to what extent a woman had the right to take off her veil, a subject that would involve a philosophical debate.

59. Mrs. BONOAN-DANDAN said that her remarks were being ridiculed. She did not in any way doubt the existence of a dress code peculiar to Iranian society but she could not understand how the arrest of women for removing their veils could be compatible with the practice of temporary marriage.

60. Mr. NASSERI (Islamic Republic of Iran) said that he had no intention of deriding Mrs. Bonoan-Dandan. On the contrary, he wished to create a climate of dialogue, for otherwise the discussions would revert to a formal course. Every civilized society had a dress code, violation of which was subject to punishment. Replies to that question had already been given in the context of consideration of the International Covenant on Civil and Political Rights. He said that the penalty incurred for a violation of the code had been revised and changed to a fine.

61. Mrs. VYSOKAJOVA asked what punishment was contemplated by Iranian criminal law for abandonment of the Islamic faith.

62. Mr. NASSERI (Islamic Republic of Iran) said that that question concerned the right to freedom of expression and replies had already been given in the context of the consideration of the application of the International Covenant on Civil and Political Rights.

63. Returning to a question by Mr. Grissa and his concern over the proper interpretation of marriage in the context of Islamic law, he said that any man who wished to remarry must obtain the consent of his first wife. In the absence of such consent, there was divorce. The law thus clearly stipulated that a man could not have more than one wife.

64. Replying to Mrs. Ider's question on women in employment, he said that women could exercise every profession. According to recent statistics, 443,840 women exercised a profession and 45 per cent of them held a specialized post. Twenty per cent of lawyers were women. No restriction was imposed on women concerning the choice of profession.

65. Concerning the fact that a woman only had the right to inherit half as much as a man, he said that the question had been debated in the context of

consideration of the International Covenant on Civil and Political Rights. He recognized that on that point Islamic law diverged from the Covenant since under Islamic law the man was financially responsible for his wife. That question should be considered in a global context taking account of the respective obligations and rights of men and women, in order to avoid jumping to the conclusion that there was discrimination against women.

66. On the question of rights granted to women under the Constitution, he said that the question had already been considered. He hoped shortly to furnish statistics on activities of women in the social and political fields. He mentioned the existence of a Women's Social and Cultural Council which had drawn up a charter on women's rights. At the most recent parliamentary elections, nine women had been elected among 90 candidates. Women were playing an increasingly active role in Iranian society.

67. In reply to Mrs. Ahodikpe's question on parental authority, he said that until 1985 authority had been exercised by the father, then by the grandfather in the event of the father's death. The current situation was that the mother could have custody of her children if the father died. In case of separation of the couple, custody of minors was decided on a case-by-case basis by the courts.

68. Concerning protection for working mothers, he said that the Labour Code contained special provisions for that purpose in articles 76, 77 and 78. He read out those three articles, which appeared on pages 18 and 19 of document E/1990/5/Add.9.

69. With regard to possible wage differences between men and women, he said that article 38 of the Labour Code provided that "Equal wages shall be paid to men and women performing work of equal value in a workplace under the same conditions. Any discrimination in wage determined on the basis of age, gender, race, ethnic origin and political and religious convictions shall be prohibited." Employers who failed to respect that article were subject to sanctions. He further stated that wages were often higher in regions where climatic conditions were the harshest.

70. On the question of unemployment and distribution of work between men and women, he said that the unemployment rate, which had stood at 15 per cent five years earlier, had declined to 11 per cent. He hoped that that rate would fall further in the future. The total number of employees of both sexes in urban and rural areas was 13.1 million, made up of 11.1 million men and 1.3 million women.

71. On employment of children, he explained that the Labour Code prohibited employment of minors under the age of 15 years. Any worker aged between 15 and 18 years had to undergo a medical examination to determine whether the type of work was suited to his capacities, and the examination had to be repeated at least once a year to ensure that the work was not harmful to the young worker's health. Night work was prohibited. Employers violating those rules were liable to a fine and even a term of imprisonment for repeated offences.

72. He deplored the sale of children in the province of Khorasan, a phenomenon explained by the considerable influx of refugees from neighbouring countries, particularly Afghanistan. An inquiry would be opened on that most important issue.

73. On the question of promotion criteria, he said that all workers had the same opportunities for promotion under the Labour Code. With regard to the prohibition of some occupations under Islamic law, he said that only occupations related to the manufacture of and trade in alcoholic beverages were prohibited. In reply to Mr. Rattray, who had asked whether it was necessary to obtain a work permit to pursue an occupation, which would be incompatible with the right to free choice of employment, he replied that a work permit was only required for certain clearly defined jobs.

74.. With regard to the implementation of the provisions of the Covenant in internal law, he said that the spirit of the International Covenant on Economic, Social and Cultural Rights was taken into consideration, but he did not know of any case in which the Covenant had been invoked in the courts.

75. On the question of the rights of foreigners, he said that, in accordance with article 5 of the Civil Code, all persons residing in the country were subject to Iranian law and that the Labour Code did not make any distinction between an Iranian and a foreign worker if the latter held a work permit.

76. Regarding the right to housing, he said that that right was recognized in the Islamic Republic of Iran and encouraged in development plans, but many practical problems existed due to the demographic explosion and differences of opinion between the Government, municipalities and Parliament. He deplored an incident which had occurred in Mashad and resulted in many victims. Those victims would be compensated.

77. Lastly, in reply to a question on the right of association, he said that under article 131 of the Labour Code, workers and employers had the rights to form and join trade unions or professional associations. Those rights had, moreover, been reaffirmed in 1992.

The meeting rose at 1.05 p.m.